

Tenn. Code § 49-6-3115

Section 49-6-3115 - Promotion of students from third grade

(a)

(1) Beginning with the 2022-2023 school year, a student in the third grade shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.

(2) Notwithstanding subdivision (a)(1):

(A) A student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test may be promoted if:

(i) The student is an English language learner and has received less than two (2) years of ELA instruction;

(ii) The student was previously retained in any of the grades kindergarten through three (K-3);

(iii) The student is retested before the beginning the next school year and scores proficient in ELA;

(iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under § 49-6-1502(4)(F), demonstrates adequate growth, as determined by the department;

(v) The student is assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department; or

(vi) Beginning with the 2023-2024 school year, the student demonstrates proficiency in ELA standards based on the student's scoring within the fiftieth percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department. If a student is promoted to the fourth grade pursuant to this subdivision (a)(2)(A)(vi), then the student's LEA or public charter school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so; and

(B) A student who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted if:

(i) The student is an English language learner and has received less than two (2) years of ELA instruction;

(ii) The student was previously retained in any of the grades kindergarten through three (K-3);

(iii) The student retested before the beginning the next school year and scores proficient in ELA; or

(iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and is assigned a tutor through the TALLC to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(3)

(A) A student who is promoted to the fourth grade pursuant to subdivision (a)(2)(A)(v) or (a)(2)(B)(iv) may be promoted to the fifth grade if the student shows adequate growth, as determined by the department, on the fourth-grade ELA portion of the TCAP test.

(B) If a student is promoted to the fourth grade pursuant to subdivision (a)(2)(A)(v) or (a)(2)(B)(iv) and does not show adequate growth, as determined by the department, on the fourth-grade ELA portion of the TCAP test, then the student's LEA or public charter school shall convene a conference that must be attended by the following categories of participants: the student's parent or guardian, the student's ELA teacher, and the student's school principal. The recommendation made by a majority of the categories of participants in the conference determines whether the student must be:

(i) Promoted to the fifth grade and assigned a tutor to provide tutoring services to the student for the entirety of the student's fifth-grade year based on tutoring requirements established by the department; or

(ii) Retained in the fourth grade; provided, that a student must not be retained in the fourth grade more than once.

(C) Each student who is promoted to the fifth grade pursuant to subdivision (a)(3)(B)(i) must be assigned a tutor to provide tutoring services to the student for the entirety of the student's fifth-grade year based on tutoring requirements established by the department.

(b) Subject to available funding, and to the extent authorized by federal law, LEAs and public charter schools may use temporary assistance for needy families (TANF) program funds to cover up to fifty percent (50%) of the costs associated with providing tutoring services for students pursuant to subdivision (a)(2)(B)(iv).

(c)

(1) Subsection (a) does not supersede an LEA's or public charter school's obligation to comply with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

(2) LEAs and public charter schools shall not retain a student based on the student's disability or suspected disability.

(d)

(1) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade pursuant to subdivision (a)(1) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide, for the 2023-2024 school year and each school year thereafter:

(A) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or other administrator of the student's school filing the appeal, in which case the appeal may be filed by such individual; and

(B) The process by which a principal, guidance counselor, teacher, or other administrator of the student's school must obtain the written consent of a student's parent or guardian for purposes of filing an appeal on behalf of the student's parent or guardian.

(2) The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(e)

(1) For the 2023-2024 school year and each school year thereafter, the department shall report for each LEA:

(A) The number of students identified for mandatory retention pursuant to subdivision (a)(1) who were promoted to the fourth grade pursuant to subdivision (a)(2)(A)(vi);

(B) The provider, format, and frequency of tutoring services provided to students in the fourth grade who were promoted pursuant to subdivision (a)(2)(A)(vi);

(C) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi) that demonstrated growth or proficiency in ELA after receiving tutoring services in the fourth grade;

(D) The number of students promoted pursuant to subdivision (a)(2)(A)(vi) that enrolled in a learning loss bridge camp; and

(E) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi), and who enrolled in a learning loss bridge camp, that demonstrated growth or proficiency in ELA at the conclusion of the camp.

(2) The department shall report to the education committees of the senate and house of representatives:

(A) The information described in subdivision (e)(1)(A) no later than December 1, 2024, and each December 1 thereafter; and

(B) The information described in subdivisions (e)(1)(B)-(E) no later than December 1, 2025, and each December 1 thereafter.

(f)

(1) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(2) The department may procure up to three (3) online tutoring providers for LEAs and public charter schools to use to provide online tutoring services to students. The chief procurement officer is authorized to approve an emergency purchase of online tutoring providers pursuant to this subdivision (f)(2) using procurement methods authorized by § 12-3-505 and the rules of the department of general services' central procurement office.

T.C.A. § 49-6-3115

Amended by 2024 Tenn. Acts, ch. 989, s 1, eff. 5/21/2024, app. to the 2023-2024 school year and each school year thereafter.

Amended by 2023 Tenn. Acts, ch. 338, s 4, eff. 5/5/2023.

Amended by 2023 Tenn. Acts, ch. 338, s 3, eff. 5/5/2023.

Amended by 2023 Tenn. Acts, ch. 338, s 2, eff. 5/5/2023.

Amended by 2023 Tenn. Acts, ch. 338, s 1, eff. 5/5/2023.

Amended by 2021 Tenn. Acts, ch. 367, s 1, eff. 5/11/2021.

Amended by 2021EX1 Tenn. Acts, ch. 1, s 2, eff. 7/1/2022.

Acts 2011 , ch. 351, § 1; 2012 , ch. 909, § 1.